

ENTERED

March 18, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JERRY BLANEY,

Plaintiff,

v.

ESTELLE UNIT,

Defendant.

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CIVIL ACTION NO. H-21-788

MEMORANDUM AND ORDER

Jerry Blaney, an inmate incarcerated in the Texas Department of Criminal Justice, has filed a prisoner civil rights complaint. Blaney has not prepaid the filing fee. This action is dismissed under 28 U.S.C. § 1915(g).

Barring a show of imminent danger, under the Prison Litigation Reform Act of 1995, a prisoner may not file an action without prepaying the filing fee if he has, on three or more occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals that was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Blaney has accumulated at least six such dismissals. He is no longer allowed to proceed without prepaying filing fees under section 1915(g). *See Blaney v. Thaler*, No. 3:11-cv-908 (N.D. Tex. June 1, 2011); *Blaney v. Thaler*, No. 3:10-cv-2179 (N.D. Tex. Dec. 28, 2010); *Blaney v. Thaler*, No. 3:10-cv-1541 (N.D. Tex. Dec. 13, 2010); *Blaney v. Meyers*, No. 3:10-cv-1540 (N.D. Tex. Oct. 26, 2010); *Blaney v. Thaler*, No. 3:10-cv-1542 (N.D. Tex. Oct. 26, 2010); *Blaney v. Texas Veterans Admin. Regional Ofc.*, No. 3:08-cv-1869 (N.D. Tex. Feb. 17, 2009). Blaney's complaint, (Docket Entry No. 2), does not allege that he is any imminent danger.

In light of the pleadings and his litigation history, Blaney has failed to show that he is eligible to proceed without prepaying fees. This action is dismissed under 28 U.S.C. § 1915(g).

This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g). The Clerk will forward a copy of this Order to: **Three_Strikes@txs.uscourts.gov**.

SIGNED on March 18, 2021, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
Chief United States District Judge